

## HOUSE OF REPRESENTATIVES.

FRIDAY, August 14, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, infinite spirit, our heavenly Father, that under the dispensation of Thy providence the world moves, and always to a definite purpose. In spite of the terrible calamities often visited upon Thy children on land and on sea, in spite of the appalling war which now absorbs the interests of the world and threatens destruction to life and home, out of it all shall come larger life and a betterment of conditions for all mankind; for God lives and reigns, and nothing shall thwart His plans. So we believe; so we hope and pray; for Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

## REGISTRY OF FOREIGN-BUILT VESSELS.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, presented, for printing under the rule, the conference report and accompanying statement on the bill (H. R. 18202) to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes.

The conference report and accompanying statement are as follows:

## CONFERENCE REPORT (NO. 1087).

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 18202) to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with the following amendment: In lieu of the matter proposed by the Senate insert the following:

"That section 4132 of the Revised Statutes of the United States as amended by the act entitled 'An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone,' approved August 24, 1912, is hereby amended so that said section as amended shall read as follows:

"SEC. 4132. Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, wherever built, which are to engage only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels may engage in the coastwise trade if registered pursuant to the provisions of this act within two years from its passage: *Provided*, That such vessels so admitted under the provisions of this section may contract with the Postmaster General under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," so long as such vessels shall in all respects comply with the provisions and requirements of said act."

"SEC. 2. Whenever the President of the United States shall find that the number of available persons qualified under now existing laws and regulations of the United States to fill the respective positions of watch officers on vessels admitted to registry by this act is insufficient, he is authorized to suspend by order, so far and for such time as he may find to be necessary, the provisions of law prescribing that all the watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States.

"Whenever, in the judgment of the President of the United States, the needs of foreign commerce may require, he is also hereby authorized to suspend by order, so far and for such length of time as he may deem desirable, the provisions of the law requiring survey, inspection, and measurement by officers

of the United States of foreign-built vessels admitted to American registry under this act.

"SEC. 3. With the consent of the President and during the continuance of hostilities in Europe, any ship chartered by the American Red Cross for relief purposes shall be admitted to American registry under the provisions of this act and shall be entitled to carry the American flag. And in the operation of any such ship the President is authorized to suspend the laws requiring American officers, if such officers are not readily available.

"SEC. 4. This act shall take effect immediately."

J. W. ALEXANDER,  
RUFUS HARDY,  
O. W. UNDERWOOD.

*Managers on the part of the House.*

JAMES A. O'GORMAN,  
J. R. THORNTON,  
JOHN K. SHIELDS,  
WM. E. BORAH,

*Managers on the part of the Senate.*

## STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 18202) to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes, submit the following written statement explaining the effect of the action agreed on:

The provision of section 1 of the Senate amendment "that foreign-built vessels registered pursuant to the act shall not engage in the coastwise trade" is stricken out and the following provision is inserted in lieu thereof: "Foreign-built vessels may engage in the coastwise trade if registered pursuant to the provisions of this act within two years from its passage."

The effect of the provision agreed to by the conferees will be, first, to admit foreign-built vessels to American registry for the foreign trade if wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States, or of any State thereof, the president and managing directors of which shall be citizens of the United States, without any limitation as to time within which the vessels are admitted to American registry, and without limitation as to the age of the vessels, provided the vessels have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo; and second, to admit foreign-built vessels, the ownership and seaworthiness of which is as above provided, to American registry for the coastwise trade, as well as the foreign trade, if such vessels are registered within two years after the passage of the act.

The provision of section 1 of the Senate amendment amending section 4132 of the Revised Statutes as amended by section 5 of the Panama Canal act relating to foreign-built yachts, pleasure boats, or vessels not used or not intended to be used for trade, is struck out for the reason that it was repealed by the provisions of the tariff act of 1913.

The third paragraph of section 2 of the Senate amendment, which provides that the President of the United States and Secretary of the Navy may, under certain conditions named, direct the navy yards with their equipment to be used for the purpose of repairing merchant vessels now or hereafter registered under the American flag, was stricken out by the conferees. The effect will be to authorize and permit such repairs to be made only in privately owned yards.

The conferees struck out section 3 of the Senate amendment for the reason that the subject matter is disposed of in section 1, as modified by the conferees, a detailed explanation of which has been hereinbefore given.

The conferees struck out section 5 of the Senate amendment, which provides that naval officers, active and retired, and men serving and employed in the Navy of the United States, may, upon application to the Secretary of the Navy, accept temporary service upon vessels admitted to registry under the provisions of the Senate amendment.

The effect of striking out this provision will be to require such vessels to be officered as provided in the first paragraph of section 2 of the bill, or as provided by existing law, and to be manned as provided by existing law.

Except as herein mentioned, the Senate amendment is agreed to by the conferees.

J. W. ALEXANDER,  
RUFUS HARDY,  
O. W. UNDERWOOD,

*Conferees on the part of the House.*



## RISE IN PRICES OF COMMODITIES.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to have read at the Clerk's desk a letter from the Secretary of Commerce on certain resolutions introduced touching the sudden rise of prices of commodities.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to have read from the Clerk's desk a letter from the Secretary of Commerce on the sudden rise of prices of food products.

Mr. ADAMSON. Pending that, Mr. Speaker, I wish to state that it has not been practicable to have a meeting of the committee. I have no motion myself to make at this time, but I think the letter ought to be read for the benefit of the House.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

DEPARTMENT OF COMMERCE,  
OFFICE OF THE SECRETARY,  
Washington, August 13, 1914.

Hon. WILLIAM C. ADAMSON,  
Chairman Committee on Interstate and Foreign Commerce,  
House of Representatives, Washington, D. C.

MY DEAR SIR: I have before me copies of House resolutions 489, 318, and 590, with your request for the views of the department concerning the same. It will be a pleasure to cause a searching examination to be made into the increases in prices of commodities which are mentioned in various resolutions, to determine whether they have been arbitrarily and unnecessarily advanced, and whether artificial or monopolistic methods have been used in that connection. The department lacks, however, both the staff and the funds requisite to make an investigation of this character, and the sum of \$10,000, mentioned in resolution 318, would be both necessary and sufficient. Authority should be given to employ special agents for the work.

I respectfully suggest for your consideration whether the matter could not be more efficiently handled by the Department of Agriculture, which has, in its Bureau of Markets, a force particularly well informed upon such subjects.

Possibly I may interpret the request of your committee as justifying a statement of what the situation seems to be. The crop of wheat is the largest ever grown, and there is at the moment some congestion at export points and a consequent delay in shipping it abroad. The crops of other cereals are, I think, not unusually large—in some cases quite otherwise. In shipping these there is also some temporary congested condition. Two other facts need, however, consideration in this connection. The first is that the crops of other countries are not large and the armies engaged in conflict not only draw men from agriculture and industry but add very largely to the demand for grain, through the excessive consumption and destruction incident to war. Europe therefore is not only short in her supply, but demands more than usual, and is likely to continue so doing for some time. These conditions normally tend to enhance prices. In the second place, the existing stoppage of transit is not likely to continue long; indeed, both from private and official sources, I am advised that the interruption is already passing away, and both transit and exchange are assuming a more normal condition. Certain of the combatant nations are dependent upon others for their supply of food and their supply of materials to operate their industries, and this dependence is more real than usual, because of the increased demand for food and the increased call upon their industries, arising from the war itself. Consequently it is vital to them that they should have the ocean free, and should maintain its freedom at any cost, merely because their commercial, and to a very large degree their physical, existence depends upon it. I think therefore it may be considered more than probable that the embargo will soon cease, the ordinary processes of trade will be reopened, and that ordinary economic influences will come into operation. This may mean, in the case of grains, where our own supply is not exceptionally large and the foreign supply is short and the foreign demand is large, that prices will normally rise. War prices are commonly high prices, and the present is no exception.

It would be in the highest degree wrong, however, to have this occasion seized as a means of exceptional personal or private profit by speculators or by combinations, and in so far as the powers of this department can be used to determine if such methods exist, and to expose them where they may be found to exist, I shall be very glad, if provided with the necessary funds, to undertake the work.

Very truly, yours,

WILLIAM C. REDFIELD, Secretary.

Mr. FARR rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. FARR. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FARR. Would it be in order, by unanimous consent, to consider these resolutions at this time?

The SPEAKER. Anything is in order by unanimous consent.

Mr. FARR. I ask unanimous consent to consider the resolutions that were referred to the Committee on Interstate and Foreign Commerce.

Mr. GREGG. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas [Mr. GREGG] objects.

## PRICES PAID FOR WHEAT IN KANSAS.

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 571.

The SPEAKER. The gentleman from Kansas [Mr. DOOLITTLE] asks unanimous consent for the present consideration of resolution 571, which the Clerk will report.

The Clerk read the title of the resolution, as follows:

H. Res. 571. Resolution requesting the Secretary of Commerce to report to the House all facts and information in his possession concern-

ing the prices paid for wheat to the producer thereof in the State of Kansas, and the prices at which said wheat is sold for export by dealers, concerns, and exporters at Kansas City, Mo., and how such prices are fixed and determined.

The SPEAKER. Is there objection?

Mr. FARR. Reserving the right to object, Mr. Speaker, I feel, in justice to the gentlemen who presented resolutions on this matter, that all of them should be considered at the same time.

Mr. DOOLITTLE. This resolution has already been favorably reported and has been on the calendar for about three weeks.

Mr. MANN. Has the resolution been reported, Mr. Speaker?

The SPEAKER. No. The Clerk will report the resolution.

The Clerk read as follows:

## Resolution.

Whereas there has this year been produced in the State of Kansas approximately 180,000,000 bushels of wheat; and  
Whereas said wheat is now being moved to markets in and outside the said State of Kansas in large quantities; and  
Whereas large quantities thereof are sold to different grain dealers, concerns, and exporters at Kansas City, Mo.; and  
Whereas the average purchase price of said wheat paid to the producer is 63 cents per bushel at the loading elevators within the State of Kansas, and large quantities of the same wheat are sold for export by grain dealers, concerns, and exporters at Kansas City, Mo., for 82½ cents per bushel to 85 cents per bushel; and  
Whereas the cost of transportation and other expenses from any shipping point in the State of Kansas to Kansas City, Mo., is far less than 20 cents per bushel; and

Whereas it is stated and believed that a combination, agreement, and understanding in restraint of trade exists between certain dealers, concerns, and exporters of wheat in Kansas City, Mo., to depress the purchase price paid for wheat to the producer: Now, therefore, be it

Resolved, That the Secretary of the Department of Commerce report to this body all facts and information in his possession concerning the prices paid for wheat to the producer thereof in the State of Kansas and the prices at which said wheat is sold for export by dealers, concerns, and exporters at Kansas City, Mo., and how such prices are fixed and determined.

With a committee amendment, as follows:

Strike out the preamble, and on page 2, line 2, after the word "commerce"—

Mr. DOOLITTLE. Mr. Speaker, let the Clerk read the yellow paper.

Mr. MANN. The yellow paper can not be the committee amendment.

The SPEAKER. What is the yellow paper?

Mr. DOOLITTLE. I wish that to be considered in lieu of the reported resolution.

Mr. MANN. Let that be read for information.

The SPEAKER. That is not to be read now.

Mr. MANN. I ask that it be read for information pending a reservation of the right to object.

The SPEAKER. Without objection, the proposed amendment by the gentleman from Kansas [Mr. DOOLITTLE] as a substitute will be read for information.

The Clerk read as follows:

Resolved, That the Secretary of the Department of Commerce is directed to report, if not incompatible with the public interest, to the House of Representatives all facts and information in his possession concerning the prices paid for wheat since June 15, 1914, to the producer thereof in the State of Kansas and the prices at which said wheat has been sold for export by dealers, grain brokers, and exporters at Kansas City, Mo., and how such prices are fixed and determined.

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, Mr. Speaker, I notice that there are inserted in this resolution, as has become the custom in this Congress in resolutions calling upon Secretaries to report to Congress, the words "if not incompatible with the public interest." It is a new thing in the House and in the Congress to have any such subservency to the chief of a department or a Secretary in the Cabinet. Heretofore Congress has directed them to report without inserting the words "if not incompatible with the public interest," not allowing the opinion of the Secretary to be interjected or permitting him to determine whether it is compatible with the public interest or not. It seems to me that Congress ought to get rid of this subservency right here in the beginning and allow its own judgment to determine, and not the judgment of some man who happens to be in the Cabinet.

Mr. DOOLITTLE. I certainly have no objection to striking out that feature of the resolution. It was only inserted to conform to the custom.

The SPEAKER. The Chair thinks it ought to be stricken out. [Applause.]

Mr. MURDOCK. Reserving the right to object, Mr. Speaker—

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] reserves the right to object.

Mr. MURDOCK. Of course I am in favor of the gentleman's resolution, but I want to ask this question: Was the resolution prepared previous to the outbreak of European hostilities?



Mr. DOOLITTLE. Yes.

Mr. MURDOCK. Does the supplementary resolution which he has presented take that fact into consideration?

Mr. DOOLITTLE. It will cover everything from the 15th of June up until the time that the investigation was made.

Mr. MURDOCK. Of course, wheat is not bringing 63 cents in Kansas now. It is bringing more.

Mr. DOOLITTLE. Yes; but at the time the resolution was prepared it was bringing that amount. It went up the next day after it got into the newspapers.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. STAFFORD. Reserving the right to object, I should like to inquire why we should specify the conditions in Kansas, when those conditions prevail, I assume, all over the West? In view of the letter sent here by the Secretary of Commerce this morning, would it not be better to have a much broader resolution, investigating the rise of prices of all commodities, rather than just limiting it to the localized spot of the Sunflower State?

Mr. DOOLITTLE. I would have no objection. This is a different matter. The complaints that came to me up to the time of the introduction of this resolution were as to Kansas City. The marketing conditions are what I want investigated in this resolution.

Mr. GREGG. Mr. Speaker, seeing the drift of the gentleman's statement, I shall object.

The SPEAKER. The gentleman from Texas objects.

#### LEAVE TO EXTEND REMARKS.

Mr. CONNELLY of Kansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. GOLDFOGLE. Mr. Speaker, I make a similar request.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

#### ORDER OF BUSINESS.

Mr. GREGG. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. GREGG. To make the motion that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. POUL. Will not the gentleman withhold that motion?

Mr. GREGG. I will not withhold it, Mr. Speaker.

Mr. MANN. Regular order, Mr. Speaker. I make the point of order that that motion is not in order.

The SPEAKER. The House will be in order. What point of order is it that the gentleman makes?

Mr. MANN. I first asked for the regular order, although I am willing—

Mr. POUL. I want to ask unanimous consent to take up a bill that will not take more than a minute.

Mr. GREGG. I insist on my motion, Mr. Speaker.

Mr. MANN. I insist on the regular order, and make the point of order that the motion of the gentleman from Texas is not in order. The House adopted a rule the other day; I hold in my hand a copy of that rule, and will send it to the Speaker's desk if the Speaker desires it, although I have no doubt the Speaker has a copy of it. The copy of the rule as adopted, and also the copy of the report of the Committee on Rules, provides for the automatic resolving of the House into the Committee of the Whole House on the state of the Union for the consideration of certain bills. The last paragraph of the rule as agreed to by the House, and also the last paragraph of the report of the committee as printed by the House, reads:

The order of business provided by this resolution shall be the continuing order of business of the House until concluded, except that it shall not interfere with Calendar Wednesday, unanimous consent, or District days, nor with the consideration of appropriation bills, or bills relating to the revenue and the bonded debt of the United States, nor with the consideration of conference reports on bills, nor the sending of bills to conference.

Under that rule, which passed the House, the House is required automatically to resolve itself into the Committee of the Whole House on the state of the Union. Now, the day after that rule was passed my colleague, the gentleman from Illinois [Mr. FOSTER] asked to have the Record corrected by inserting in the paragraph printed in the Record relating to the rule the exception of Friday; but the official document printed by the House, the substitute presented by the committee and passed

by the House—the official document—as well as the report of the committee, officially printed, does not contain that, and a mere correction of the Record would not change that official document.

The SPEAKER. The Chair will read what happened:

Mr. FOSTER. Mr. Speaker, I notice yesterday in the order of business that was adopted that there is inadvertently left out a provision for the exception of business in order on Fridays, and I ask unanimous consent to insert, after the words "District days," the words "and business in order on Fridays."

The SPEAKER pro tempore. Is there objection?

Mr. MURDOCK. Mr. Speaker, reserving the right to object, is that in the rule?

Mr. FOSTER. That is in the rule.

Mr. MURDOCK. The gentleman failed to read it.

Mr. FOSTER. It was offered and read.

Mr. JOHNSON of Kentucky. Mr. Speaker, reserving the right to object, I did not hear what the gentleman said.

Mr. FOSTER. I stated that Fridays should be excepted from the order of business to which this rule applies.

Mr. MANN. What the gentleman wants to do is to correct the Record.

Mr. FOSTER. That is all.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. Mr. Speaker, I think undoubtedly the conclusive point in this matter is the Journal. If the Journal shows that Fridays were included in this rule, why, that is the action of the House.

Mr. MANN. There is no doubt about that, but the Journal does not so show.

The SPEAKER. That is true, but the House, by unanimous consent, could change that rule just as easily as it could change anything else; but the interlocutory performance which the Speaker read seems simply to correct the Record.

Mr. FOSTER. Mr. Speaker—

Mr. UNDERWOOD. Mr. Speaker, if the Journal does not show that the rule adopted excluded Fridays, there can be no question that the rule does not include Fridays.

Mr. MANN. The Journal does not so show.

The SPEAKER. Undoubtedly the rule itself cuts out Fridays—that is the printed rule which the gentleman from Illinois [Mr. MANN] has.

Mr. MANN. If the Speaker does not have the official print of it before him, I will be very glad to send it to him.

The SPEAKER. The Chair has the official print, and also the original rule.

Mr. FOSTER. Mr. Speaker, I think if the Chair will look at that rule he will find that after the rule was typewritten it was gone over and any mistake that was made in it was corrected, and it was the intention of the Committee on Rules, and it was so stated at the time, when the Committee on Rules met, that they were to except these various days, including Fridays.

The SPEAKER. Here is a statement of the case. The words "and Fridays" are written into the rule with a lead pencil, and the Clerk says that he read them when he read the rule.

Mr. FOSTER. Mr. Speaker, I think there is no doubt that that is correct, and I think I can call upon the members of the Committee on Rules who will remember it.

Mr. MANN. Mr. Speaker, it seems more than passing strange that the Clerk would print the rule as adopted without that in it, and also print the report of the committee without that in it.

Mr. FOSTER. I think so, too, but I think it was simply a mistake in the printing.

Mr. MANN. Mr. Speaker, it seems to me that when we have a rule adopted and an official print of it, we ought to be bound by that.

Mr. UNDERWOOD. Mr. Speaker, I should like very much to see the gentleman from Texas get up his business under the Friday calendar, but I do not think it would be well for us to make a precedent of not standing by the Journal of the House. That is the official record of the House, and no matter if through a misunderstanding there is a mistake in the Journal, that mistake could have been corrected and should have been corrected, but we ought not to establish the precedent of taking the statements of gentlemen outside of the Journal, or even of papers that are not shown in the Journal, though they may be correct and the Journal incorrect. To do so would carry Congress into a mass of confusion, and there would be no safe basis upon which to stand.

The SPEAKER. There can be no question but that the Journal is the highest authority on what is done in the House.

Mr. UNDERWOOD. Mr. Speaker, it seems to me that that must be conclusive as to the action of the House, regardless of what action the House took.

The SPEAKER. The reason the Chair read the colloquy that occurred was because he wanted the House to understand what had happened. It seems to be absolutely clear that the gentleman from Illinois [Mr. FOSTER] started out to ask unani-



mous consent to change the rule, but wound up on the suggestion of the gentleman from Illinois [Mr. MANN] by asking to change the RECORD.

Mr. MANN. Mr. Speaker, I do not know just what my colleague started out to do, but he and I had a conversation about the matter before the House met, and I understood it was merely a correction of the RECORD.

The SPEAKER. What good was to come of correcting the RECORD?

Mr. MANN. I do not know. I never object to anybody correcting the RECORD in any way he pleases.

Mr. GARNER. Mr. Speaker, where is the Journal? Let us have the Journal read upon the subject.

The SPEAKER. The Chair has sent for the Journal. These things are not printed in full in the Journal.

Mr. GREGG. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GREGG. If the original rule, as introduced by the Committee on Rules, makes an exception of business in order on Fridays, would not that control, and can not we correct the Journal if it is not correct?

The SPEAKER. But the Journal was approved in due course.

Mr. GREGG. Suppose the Journal is silent, which would control—the rule itself or the Journal? Suppose the Journal does not set it out in full?

The SPEAKER. This is the practice in respect to that: The Journal is read every morning, and if anyone does not think the Journal is correct, the time to correct it is right then and there; and it is often corrected when suggestions are made that it should be corrected. I have seen the Journal corrected here two or three hundred times since I have been in the House; but it is like any other record now. The House could change the Journal and could change that rule by unanimous consent, but it did not do it.

Mr. TOWNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNER. In case the Journal does not set out in full the rule—and I do not know whether it does or not—

The SPEAKER. It does not.

Mr. TOWNER. Then it seems to me, Mr. Speaker, that what was done should be and ought to be made effective, and this is the reason for that: It would not be changing the Journal to change the text of the RECORD, and what was actually done was to change the text of the RECORD, and that was done by unanimous consent. Surely it was then within the power of the House to change the RECORD, as it did, by unanimous consent; and that is in no way challenging the correctness of the Journal. The Journal refers to the rule, but it does not set it out in *hæc verba*, and for that reason the change in the text of the RECORD under the circumstances, as requested by the gentleman from Illinois [Mr. FOSTER], by unanimous consent, was certainly within the power of the House.

Mr. FOSTER. Mr. Speaker, I beg to state that I had a conversation with my colleague the gentleman from Illinois [Mr. MANN] the next day in reference to this rule, when I noticed the omission—it being called to my attention—and I went down to the Clerk's desk after the Journal had been read to see if there was any reference to that matter in the Journal. Not finding any, I then asked that this RECORD be changed accordingly, thinking, of course, that that would probably correct the defect; and that is the matter as it stands, and as it stood at that time. Of course, if the Journal failed to show that, I agree with the gentleman from Alabama [Mr. UNDERWOOD] and others here that we could not, when the Journal has been approved, go back upon it. That is true. I regret the mistake, but it is one of those things that has happened which we could not help; but if the gentleman is willing, I would like to ask unanimous consent that we may except the business in order on Fridays, which it was the intention to do at the time.

Mr. MANN. This is pension Friday. I apprehend that the gentleman from Texas [Mr. GREGG], judging by the documents that he has before him, thinks it is war claims Friday, but it is not.

The SPEAKER. It seems to the Chair it would be a very pestiferous kind of a precedent to make when we have the official print of the resolution and the official print of the report and the Journal and the whole thing, but still if the Chair were exercising any personal predilection he would recognize the gentleman from Texas.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent, if it is in order, that this order may apply so as to except Fridays, so that Fridays shall not be embraced within the terms of the resolution.

Mr. MANN. I would have no objection to excepting Fridays under the rule devoted to claims or war claims, but I do not

know why we should except Fridays devoted to pension business when there is no pension business.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that the rule shall except Fridays devoted to claims and war claims under the rules.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the rule which was adopted last Tuesday be so modified as to except business on the Private Calendar on Fridays—

Mr. MANN. Not every Friday.

The SPEAKER. This Friday.

Mr. MANN. With the exception of pension Fridays, there being no pension business on the calendar.

The SPEAKER. The Chair wishes the gentleman from Illinois [Mr. FOSTER] to state over again what he desires.

Mr. FOSTER. I ask unanimous consent that exception be made in this rule to bills reported from the Committees on Claims and War Claims on Fridays under the rules of the House, and bills on the Private Calendar; I think we might want to take up some other bills.

Mr. MANN. The gentleman means coming up on the other days?

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the rule adopted last Tuesday be so extended and amended as to permit the consideration of bills on the Private Calendar—

Mr. MANN. Except the second and fourth Fridays.

Mr. FOSTER. Why not take up those from the Claims Committee?

The SPEAKER. The gentleman from Illinois asks unanimous consent that the rule adopted last Tuesday be so modified as to permit business in order—

Mr. MANN. Except the second and fourth Fridays of the month.

The SPEAKER. On Fridays except the second and fourth. This is the second Friday—

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. On the first and third Fridays what is in order under the rule?

The SPEAKER. Claims and war claims.

Mr. HAY. Mr. Speaker, do I understand the request of the gentleman only includes claims?

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] seems to be endeavoring to get claims considered to-day, and, as far as the Chair could ascertain, the gentleman from Illinois [Mr. MANN] wants to fix it so they would not have to-day. [Laughter.]

Mr. BURKE of South Dakota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. The Chair, in answer to an inquiry of the gentleman from Georgia [Mr. HOWARD], who inquired what business would be in order on the first and third Fridays, replied, claims and war claims. I would like to ask the Chair if business on the Private Calendar would not be in order from committees other than War Claims and Claims?

The SPEAKER. Not until claims and war claims are disposed of. Here is the rule.

Mr. BURKE of South Dakota. Mr. Speaker, has the Chair recently considered that matter, because there is a ruling by Speaker Henderson that business on the Private Calendar on the first and third Fridays of the month was in order, regardless of what committee reported the bills, and I would ask the Chair not to make a decision at this moment that would be conclusive, because the matter may come up when this calendar is called.

The SPEAKER. In answer to the gentleman from South Dakota, the Chair will state this: Speaker Henderson did make a ruling to which the gentleman refers, and somewhere near the beginning of this Congress the gentleman from Indiana [Mr. ADAIR] was in the chair of the Committee of the Whole House for the consideration of claims, and he ruled the other way, and everybody submitted to it during this whole session; so it seems to the Chair it would be claims—

Mr. BURKE of South Dakota. Do I understand that the present occupant of the Chair made a ruling similar to that ruling?

The SPEAKER. No; the Chair did not do it, but the gentleman from Indiana [Mr. ADAIR] did in the Committee of the Whole, and there is nothing before the Chair to rule on, but the Chair will read this rule:

On Friday of each week, after the disposal of such business on the Speaker's table as requires reference only, it shall be in order to entertain a motion for the House to resolve itself into the Committee of the Whole House to consider business on the Private Calendar in



the following order: On the second and fourth Fridays of each month preference shall be given to the consideration of private pension claims and bills removing political disabilities and bills removing the charge of desertion. On every Friday except the second and fourth Fridays the House shall give preference to the consideration of bills reported from the Committee on Claims and the Committee on War Claims, alternating between the two committees.

Mr. POUL. Mr. Speaker, it would be for the Chairman of the Committee of the Whole to determine the question propounded.

The SPEAKER. That is what the Chair stated. The chief trouble about this special-rule controversy is the shape in which it was reported to the House.

Mr. GARNER. Mr. Speaker, will the Speaker indulge me for just a moment?

The SPEAKER. Yes.

Mr. GARNER. The situation here appears to me in this wise: The Journal does not state in full the rule as passed reported from the Committee on Rules, but only states the amendments which were offered from the floor. Now, the official document printed at the Government Printing Office does not show that it includes Fridays in the operation of this rule.

But the testimony of the Clerk who read this rule is that he read into the rule the word "Friday"; also the original rule shows on its face that the words "and Fridays" had been interlined in pencil. Now, I submit to the Chair that if the Printing Office makes a mistake and the Journal does not show that mistake, whether it occurred at the Printing Office or at the desk, then the original instrument, supplemented by the testimony of the real reading, ought to prevail, or else you permit the Printing Office to make the mistake, and it overrides the action of the House. It seems to me when the Journal does not show specifically what was done, then the original instrument, with the statement of the Clerk as to what was done, should prevail; especially is this true when this is only a House resolution and did not have to be engrossed.

Mr. MANN. Will the gentleman yield for a question?

Mr. GARNER. Certainly.

Mr. MANN. Suppose we pass a bill and the Journal does not show the contents of the bill. Does the gentleman think that we could take a statement, whenever that is officially transmitted, by the Speaker, that that was in there, or was transmitted by the copy of the bill?

Mr. GARNER. It would go on to the Senate, and you could recall it by resolution. This is a special rule directing the House as to the manner of conducting its business. If the Printing Office made a mistake, which they evidently did in this instance—if they failed to print that at the Printing Office—it seems to me we ought not to exclude it here.

Mr. MANN. The Printing Office is not the one that is responsible for the error that is made.

Mr. GARNER. The original rule shows that the word "Fridays" was in it. Who made the mistake, whether the Printing Office or somebody else—

Mr. MANN. Assuming it was written in, and I assume for the purpose of argument that it was—as a matter of fact, I do not have any doubt about it, as anybody can write in something, a line or a word, in a rule, or in any other document if advisable—are we to trust to a thing of that kind instead of to the official copy? Where would we end if we did it? Now, I do not question the statement of my colleague about it at all.

Mr. GARNER. Why, if the gentleman from Illinois [Mr. MANN] will permit, here is the situation:

If it were a bill, of course you could recall it and change it if in the engrossed copy there was an error. This is merely a direction of the House, and this is the first time the question has come up as to the correction of the printed copy and a different status than a matter merely directing the proceedings in the House and one proposed to be put on the books as law.

Mr. MANN. Here is the rule as printed:

Mr. FOSTER reported the following substitute for House resolution 536, which was agreed to.

The substitute resolution was set out. This is an official print. Are not the Members of Congress and the House entitled to rely upon the official print as to what can come up and what does come up in the House? Even supposing there was an error, are we not bound by it at present?

Mr. PAGE of North Carolina. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PAGE of North Carolina. Granting the acceptance of the print in the Record, by what right does the Committee on War Claims ask for this day which, under the rule, is for consideration of pensions?

The SPEAKER. The rule simply provides that preference shall be given on certain Fridays to pensions. In the first place,

this print which the gentleman from Illinois has and the one that the Speaker has were never printed until after the rule was adopted. The print was not the thing that the House was considering. The operation about a report from the Committee on Rules differs from every other one in the fact that it is never printed; that is, generally. Now, here is what happened: The Chair has been trying to piece it together for the last half hour. The Journal simply recites that a certain rule was adopted, that a certain amendment was offered, and a certain rule was adopted as amended. That is all that the Journal ever shows. The Journal does not undertake to set out these things. Now, in the original typewritten copy of the rule as adopted the words "and Fridays" appeared. It is true they were written in. The Clerk said he read them in. This printed copy we have here is simply a reproduction in a different kind of type and in a different shape of what was in the Record. The Record prints the resolution in full. Through somebody's mistake—the Chair does not know whose mistake—the words "and Fridays" were left out of the rule as printed in the Record and, consequently, as printed in this separate bill. On Wednesday this colloquy took place:

Mr. FOSTER. Mr. Speaker. I notice yesterday in the order of business that was adopted that there is inadvertently left out a provision for the exception of business in order on Fridays, and I ask unanimous consent to insert, after the words "District days," the words "and business in order on Fridays."

After a good deal of conversation, that was agreed to. Evidently the gentleman from Illinois [Mr. FOSTER] was trying to get his rule agreed to as he reported it here originally.

And the House, if it understood what was being said—sometimes there is so much noise that it can not—must have understood that the gentleman from Illinois [Mr. FOSTER] was trying to get that rule as it appeared in the Record, and consequently appeared in this separate print, fixed the way he sent it up here to the Clerk's desk to be reported.

That being the case, the Chair recognizes the gentleman from Texas [Mr. GREGG].

Mr. MANN. Mr. Speaker, I ask for the regular order, which, under the rules, is consideration of business on the Speaker's table.

The SPEAKER. What business is there on the Speaker's table that anybody wants to consider?

Mr. POUL. I have a little bill there that I want to consider.

Mr. GREGG. Am I recognized, Mr. Speaker?

The SPEAKER. The Chair will recognize the gentleman from Texas in due time. Has the gentleman from North Carolina [Mr. POUL] the bill on the Speaker's table?

#### NAVY CLAIMS AGAINST GOVERNMENT.

Mr. POUL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 14685, with Senate amendment, and agree to the Senate amendment.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take from the Speaker's table the bill H. R. 14685, with Senate amendment, and agree to the Senate amendment. The Clerk will report the title.

The Clerk read as follows:

H. R. 14685. An act to satisfy certain claims against the Government arising under the Navy Department.

The Senate amendment was read.

Mr. POUL. Mr. Speaker, I ask that it be taken from the Speaker's table and that the House agree to the Senate amendment.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take the bill from the Speaker's table and agree to the Senate amendment.

Mr. FARR rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. FARR. Reserving the right to object, Mr. Speaker, a little while ago I asked unanimous consent for the consideration of the resolutions to investigate the increase in the prices of foodstuffs, and objection was made by gentlemen on that side to that request for unanimous consent. Now, in view of the fact that these resolutions concern vitally 100,000,000 of people, and that the prices of foodstuffs are soaring every day, it does seem to me that the request submitted by the gentleman from North Carolina [Mr. POUL] can be deferred at least until such time as we shall have acted on the other vastly more important question.

The SPEAKER. Is there objection?

Mr. STAFFORD. I reserve the right to object, Mr. Speaker.

Mr. HOWARD. Mr. Speaker, reserving the right to object—

Mr. FARR. I desire to interrogate the gentleman from North Carolina as to how long it will take to consider this matter?

Mr. POUL. About one minute.

Mr. FARR. Then I shall not object.



The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I wish to inquire whether this claim has ever been passed upon by the House Committee on Claims and reported in a bill by the House committee?

Mr. POUL. It has not been. It was an amendment added in the Senate, but it has been carefully investigated by the Navy Department.

Mr. MURDOCK. If it is going to take only a minute, will the gentleman explain what the bill does?

Mr. POUL. This bill that the Navy Department presented is to liquidate certain claims that the Navy Department admits exist against the Government. This is just one of those claims.

Mr. MURDOCK. What was the instance or the origin of the claim?

Mr. POUL. It is to pay the owners on May 12, 1913, of the steamer *Annie* for damages arising out of the collision between their steamer and the United States ship *C-5* in the southern branch of the Elizabeth River, off the navy yard at Norfolk, Va.

Mr. MURDOCK. Ship *C-5* is an American war vessel?

Mr. POUL. Yes. It has all been gone over carefully by the Navy Department.

Mr. MURDOCK. What is the amount involved?

Mr. POUL. Five thousand nine hundred and sixty-nine dollars and thirty-five cents.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

T. S. WILLIAMS.

Mr. POUL. Now, Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1055) for the relief of T. S. Williams, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

H. R. 1055. An act for the relief of T. S. Williams.

Mr. POUL. Mr. Speaker, I ask unanimous consent to disagree to the Senate amendment and ask for a conference.

The SPEAKER. The Clerk will report the amendment.

The Senate amendment was read.

The SPEAKER. The gentleman from North Carolina [Mr. POUL] asks unanimous consent to take the bill from the Speaker's table, disagree to the Senate amendment, and ask for a conference. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, may I ask the gentleman if there is just one claim in this bill?

Mr. POUL. Yes; just the one claim.

Mr. MANN. The difference between three hundred and odd dollars and something less.

Mr. POUL. Yes. The difference between three hundred and odd dollars and \$47.17.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. POUL, Mr. STEPHENS of Mississippi, and Mr. SCOTT.

#### EXTENSION OF REMARKS.

Mr. ALLEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article from the Cincinnati Post on the extension of the American merchant marine.

The SPEAKER. The gentleman from Ohio [Mr. ALLEN] asks unanimous consent to extend his remarks by the insertion of the article named. Is there objection?

There was no objection.

#### CALL OF THE HOUSE.

The SPEAKER. Has any other gentleman a bill on the Speaker's table that he wants to be considered now?

Mr. MANN. If not, Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-seven Members are present—not a quorum.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves a call of the House. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ainey	Driscoll	Kennedy, R. I.	Patten, N. Y.
Anthony	Elder	Kent	Patton, Pa.
Ashbrook	Esch	Kless, Pa.	Peters, Me.
Aswell	Estopinal	Kinhead, N. J.	Peterson
Austin	Fairchild	Kawland, J. R.	Pheasant
Avis	Falcon	Konop	Platt
Barchfeld	Ferris	Korbly	Porter
Bartholdt	Fess	Kreider	Post
Bartlett	Fields	Lafferty	Powers
Beall, Tex.	Finley	Langham	Ragsdale
Bell, Ga.	Flood, Va.	Langley	Rainey
Borland	Fordney	Lazaro	Reilly, Conn.
Bowdle	Francis	L'Engle	Riordan
Brodbeck	Frear	Lenroot	Sabath
Broussard	Gard	Lewis, Pa.	Saunders
Brown, N. Y.	Gardner	Lindbergh	Sherley
Browne, Wis.	George	Lindquist	Sherwood
Browning	Gillett	Linthicum	Shreve
Bruckner	Gittins	Loft	Slemp
Bulkley	Glass	Logue	Small
Burke, Pa.	Godwin, N. C.	McAndrews	Smith, Md.
Calder	Gordon	McClellan	Smith, J. M. C.
Callaway	Gorman	McGillcuddy	Smith, N. Y.
Campbell	Goulden	McGuire, Okla.	Stanley
Cantrill	Graham, Ill.	McKenzie	Steenerson
Carew	Graham, Pa.	Madden	Stephens, Miss.
Carter	Griest	Mahan	Stephens, Nebr.
Chandler, N. Y.	Griffin	Maher	Stephens, Tex.
Clark, Fla.	Gudger	Manahan	Stevens, N. H.
Connolly, Iowa	Hamilton, Mich.	Martin	Stringer
Copley	Hamilton, N. Y.	Merritt	Switzer
Covington	Hardwick	Metz	Taggart
Cramton	Hart	Montague	Taylor, Ala.
Crisp	Hayes	Moore	Taylor, N. Y.
Crosser	Hellin	Morgan, La.	Thompson, Okla.
Dale	Henry	Morin	Treadway
Danforth	Illads	Moss, Ind.	Tuttle
Davenport	Hobson	Mott	Underhill
Decker	Houston	Murray, Okla.	Vare
Deitrick	Howell	Neeley, Kans.	Vollmer
Dershem	Hoxworth	Neely, W. Va.	Walker
Dickinson	Hughes, Ga.	Nelson	Wallin
Dies	Hughes, W. Va.	Norton	Watkins
Difenderfer	Hullings	O'Leary	Weaver
Dixon	Jacoway	Padgett	Willis
Dooling	Johnson, S. C.	Palmer	Winslow
Doremus	Kennedy, Conn.	Parker	Woodruff

The SPEAKER. On this call 243 Members, a quorum, have responded to their names.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

#### PRIVATE CALENDAR.

Mr. GREGG. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

The motion was agreed to.

The SPEAKER. The gentleman from Virginia [Mr. HAY] will take the chair.

Mr. HAY. I will state, Mr. Speaker, that there are a great many bills on the Private Calendar that come from my committee.

The SPEAKER. The gentleman from Virginia [Mr. CARLIN] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. CARLIN in the chair.

The CHAIRMAN. The Clerk will report the first bill.

Mr. GREGG. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GREGG. What bills have precedence or preference today, if any?

Mr. MANN. That is provided by Rule XXIV, paragraph 6.

Mr. STAFFORD. Page 400.

Mr. MANN. Page 400 of the Manual.

The CHAIRMAN. Pension bills would have precedence, but as there are no pension bills on the calendar all bills on the Private Calendar would seem to have the same footing.

Mr. MANN. Evidently the Chair did not read the rule carefully. It provides that—

On the second and fourth Fridays of each month preference shall be given to the consideration of private pension claims and bills removing political disabilities and bills removing the charge of desertion.

The CHAIRMAN. None of those bills seem to be on the calendar.

Mr. MANN. The Chair is not correctly informed. There are a large number of them on the calendar, and they will probably take the day for their consideration.

Mr. RUSSELL. There are no pension bills, but other bills referred to in the rule.

The CHAIRMAN. The Chair was mistaken. There are some bills on the calendar from the Military Affairs Committee.



That being the case, the Military Affairs Committee will have the right of way.

Mr. MANN. Either the Committee on Military Affairs or the Committee on Naval Affairs, as to bills of that character; not as to any other character of bills.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. I direct the attention of the Chairman to the bill, No. 220 on the Private Calendar, a bill from the Committee on Claims, granting the pension claim of Dr. Joseph Hunter, and I wish to inquire whether that bill should not be given precedence under the rule? The rule says that preference shall be given to the consideration of private pension claims. This bill is a private pension claim, to reimburse Dr. Joseph Hunter for a pension that was withheld from him during certain years. I think that bill is entitled to precedence, if there are no other pension bills to be reported from the Committee on Pensions or the Committee on Invalid Pensions.

The CHAIRMAN. The Chair will examine the bill.

Mr. HOWARD. Mr. Chairman, in reply to the parliamentary inquiry of the gentleman from Wisconsin [Mr. STAFFORD], I desire to state that that bill is not in the nature of a private pension claim. It is in reality a claim against the Government, reported from the Committee on Claims, by virtue of the fact that a pension which he claims to have been unlawfully or illegally withheld from him during certain years was not paid by the Government. It is a bill reported from the Committee on Claims, and I submit that under the rule it would not have precedence, because it is on all fours with any other claim for the payment of money out of the Treasury of the United States.

The CHAIRMAN. The Chair is examining the bill.

Mr. STAFFORD. If the Chair will permit me, I call the attention of the Chair to the fact that the rule does not limit it to bills reported from the Committee on Pensions or the Committee on Invalid Pensions, but the rule is general in its phraseology, and says that preference shall be given to the consideration of private pension claims, and this bill that I refer to—H. R. 2344—is a bill granting a pension claim of Joseph Hunter. Now, whether it is a continuing pension claim, or whether it is for a deferred pension claim, it is a private pension claim within the phraseology of the rule. I can not see how the Chair can rule otherwise than that this bill is entitled to precedence under that phraseology.

The CHAIRMAN. The Chair does not agree with the gentleman. This is a bill for the payment of a specific sum of money which should have been allowed under a certain pension, and not a pension bill within the meaning of the rule.

Mr. FOWLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. Under the parliamentary status will any other bills be considered except bills relating to pensions?

The CHAIRMAN. They are to be considered in the order provided by the rule, which says that—

On the second and fourth Fridays of each month preference shall be given to the consideration of private pension claims and bills removing political disabilities and bills removing the charge of desertion.

There are bills of that character on the calendar.

Mr. FOWLER. Will there be any other bills considered except those enumerated by the chair?

The CHAIRMAN. Not until they are disposed of.

Mr. GOLDFOGLE. A parliamentary inquiry.

The CHAIRMAN. The gentleman from New York will state it.

Mr. GOLDFOGLE. Following the rule just read by the Chair, I desire to ask further, when the bills referred to in the general rule are disposed of—if they are all disposed of to-day—if claim bills may then be considered?

The CHAIRMAN. Bills will then be taken up in their order on the calendar, and claim bills will be considered after these other bills are disposed of, unless in the meantime the committee should determine to rise.

Mr. GOLDFOGLE. All right.

Mr. HOWARD. Mr. Chairman, I want to catch the purport of the Chair's ruling. Does the Chair hold that after these bills to correct military records are disposed of, then claims and other bills on the Private Calendar will be considered?

The CHAIRMAN. Under the motion we are in Committee of the Whole for the consideration of business on the Private Calendar, and bills will be taken up in the order mentioned in the rule. The Clerk will report the first bill.

SANFORD F. TIMMONS.

Mr. HAY. Mr. Chairman, I think the bill on the Calendar removing the charge of desertion is Calendar No. 321, H. R. 15735, to correct the military record of Sanford F. Timmons.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That Sanford F. Timmons shall hereafter be held and considered to have been honorably discharged from the military service of the United States as captain of Company C, Forty-third Regiment Ohio Volunteer Infantry, on September 8, 1863.

Mr. MANN rose.

Mr. HAY. Mr. Chairman, I will state to the gentleman from Illinois that I am not in a position to give him any information about this bill. It was considered by a subcommittee and reported by that committee. There seems to be quite a full report upon the bill and I will ask the Clerk to read the report, if the gentleman desires it.

Mr. MANN. I am perfectly willing to have the Clerk read the report.

Mr. HAY. Then, Mr. Chairman, I ask that the Clerk read the report in my time.

The CHAIRMAN. The Clerk will read the report.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 15735) to correct the military record of Sanford F. Timmons, having considered the same, report thereon with a recommendation that it do pass.

The record shows that Sanford F. Timmons was enrolled April 28, 1861, and was mustered into service to date the same day, as a sergeant of Company I, Thirteenth Ohio Infantry Volunteers, to serve three months. He reenlisted June 19, 1861, and was mustered into service on the same day, as first sergeant, Company I, Thirteenth Ohio Infantry Volunteers, to serve three years. He was promoted to be second lieutenant, and is recognized by the War Department as having been in the military service of the United States as second lieutenant, same company and regiment, from June 13, 1861. He was honorably discharged the service as second lieutenant on tender of resignation in special orders from headquarters, Army of Occupation, Western Virginia, dated September 24, 1861.

The records also show that Sanford F. Timmons was mustered into service to date December 19, 1861, as first lieutenant of Company G, Forty-third Ohio Infantry Volunteers. He was promoted to be captain, same company and regiment, and is recognized by the War Department as having been in the military service of the United States, as such, from April 9, 1862. He was dismissed from the service of the United States as captain in general orders from headquarters Sixteenth Army Corps, dated September 8, 1863, to take effect September 3, 1863, for tendering his resignation on the grounds of opposition to the policy of the administration. The dismissal was confirmed by direction of the President in special orders from this department, dated June 3, 1864.

Mr. HAY (interrupting the reading). Mr. Chairman, I see from the reading of the report that this is not a desertion bill.

Mr. MANN. It is practically a desertion bill, is it not?

Mr. HAY. No; it is a court-martial bill. The man is not charged with desertion, and for that reason it is not in order.

The CHAIRMAN. The Clerk will report the next bill.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Where a bill comes up and is reported by the Clerk and debate ensues upon it, no point of order having been reserved, can it then be set aside? I am perfectly willing that it should be, but I just make the inquiry to ascertain what the rule is.

Mr. HAY. I suggest to the gentleman—

Mr. MANN. Oh, I am not raising the question as to whether it is entitled to consideration, but having been reported and having been debated, can some gentleman—myself, for instance—hereafter casually say to the Chair that it is not a desertion bill and thereby deprive the bill of further consideration?

The CHAIRMAN. The Chair thinks the bill is before the committee. The report having been read in the gentleman's time and debate having been begun, the bill is now before the committee.

Mr. MANN. I am sorry the Chair could not rule the other way, but I think that that is the correct ruling.

The CHAIRMAN. By unanimous consent it can be withdrawn.

Mr. HAY. Does the Chair hold, when a point of order is made against the consideration of a bill, when it is disclosed that it is not in order under the rule, that the fact that debate has occurred on the bill makes it in order?

The CHAIRMAN. The fact is that the committee had begun to debate the bill. The bill was laid before the committee for its consideration and the committee had begun its consideration, and debate had been started.

Mr. HAY. Then the Chair holds that the point of order came too late?

The CHAIRMAN. Exactly. If the gentleman wishes the bill withdrawn, it can be withdrawn by unanimous consent.

Mr. HAY. I am not asking to have it withdrawn.

The CHAIRMAN. Then the Chair recognizes the gentleman from Virginia.

Mr. HOWARD. Mr. Chairman, I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.



Mr. HOWARD. The gentleman from Virginia made the point of order that under the rule which gave preference to a certain character of bills on the Private Calendar, this particular bill, not being a bill in that class, was, therefore, not in order. There was no way for the membership of the House to have disclosed to it whether or not the bill was of the particular character which made it in order until the bill was read. The bill itself did not show the technical character of the bill, and the report was read. The report showed that it was not of the character of bill that is privileged. Does the Chair now hold that because of that particular presentation of the bill, that this bill shall therefore have the right of way, when it is outlawed under the rule, over bills that are in order?

The CHAIRMAN. It is because the gentleman's statement, which the Chair considers in the nature of raising the point of order, came too late. The Clerk will conclude the reading of the report.

The Clerk read as follows:

The service of Capt. Timmons was in every way honorable, he having arisen to the rank of captain solely by his own merit in the performance of the duties intrusted to him, and he once tendered his resignation to Gen. U. S. Grant, who replied in writing: "Good officers can not be spared the service. Capt. Timmons may have 30 days' leave of absence." A short time after this a controversy arose between Capt. Timmons and the colonel of his regiment, Wager Swane, concerning the merits of the political candidates for governor of Ohio, and it was upon the expression of the individual political preference of Capt. Timmons that the question was made as to his opposition to the policy of the national administration.

He was dismissed from the service, to take effect September 3, 1863, and was kept under arrest for six weeks without any charges or specifications, then sent north under guard to Cairo, Ill., and released there by the commanding officer.

He never had a trial, and it is the opinion of the committee that the punishment heretofore inflicted upon him was so done without any reason, and that the only offense that Capt. Timmons was guilty of was that he expressed an individual preference for a certain political candidate against another political candidate, and therefore the committee believes that he should hereafter be held and considered to have been honorably discharged from the military service of the United States as captain of Company C, Forty-third Ohio Volunteer Infantry, on September 8, 1863.

Mr. HAY. Mr. Chairman, I have no further remarks to make about the bill.

Mr. MANN. Mr. Chairman, I would like to be heard for a few moments.

Mr. HAY. How much time does the gentleman desire?

Mr. MANN. Well, I will take an hour.

Mr. HAY. But I have not yet yielded the floor.

Mr. MANN. I am quite willing that the gentleman shall keep the floor.

Mr. HAY. Mr. Chairman, I reserve the balance of my time.

Mr. MANN. Mr. Chairman, I very much regret that the point of order made by the gentleman from Virginia [Mr. HAY] came too late as to this bill, because I do not think the bill ought to be passed; but under the circumstances, if the Chair had not held that the point of order came too late, there would have been inextricable confusion in relation to subsequent bills, I fear.

It is to be noted in reference to this bill that it was not sent to the War Department for any report upon it. It is impossible for Congress or for committees to learn, without access to the records of the War Department, all of the facts in relation to any matter concerning the Army during the Civil War, or, for that matter, at other times. I do not know what the fact may be, whether the committee acted upon purely ex parte statements prepared in behalf of the claimant in this case. But I suppose from the fact that there is nothing in the report of the committee to show that this bill was ever considered by the War Department, or information asked from the War Department, the committee may possibly have been led, contrary to its usual practice, to act upon ex parte statements.

What are these statements? It appears from the report of the committee that the claimant, Sanford F. Timmons, was enrolled on April 23, 1861, and was mustered into the service on the same day as a sergeant of Company I, Thirteenth Ohio Infantry Volunteers, to serve three months. He then patriotically reenlisted on June 19, 1861, and was mustered into the service on the same day as first sergeant of Company I, Thirteenth Ohio Infantry Volunteers, and served three years. He was promoted to be second lieutenant, and is recognized by the War Department as having been in the military service of the United States as second lieutenant of the same company and regiment from June 13, 1861. He was honorably discharged the service as second lieutenant on tender of his resignation in special orders from the headquarters, army of occupation, western Virginia, dated September 24, 1861.

He was mustered into service to date December 19, 1861, as a first lieutenant of Company G, Forty-third Ohio Infantry Volunteers. This was the third enlistment up to December 19, 1861. He was promoted to be captain, same company and

regiment, and is recognized by the War Department as having been in the military service of the United States as such from April 9, 1862. He was dismissed from the service of the United States as captain in general orders from headquarters Sixteenth Army Corps, dated September 8, 1863, to take effect September 3, 1863, for tendering his resignation on the grounds of opposition to the policy of the administration. The dismissal was confirmed, by direction of the President, in special orders from this department, dated June 3, 1864. This man, after having enlisted three times in the course of a few months, and having been promoted to be captain, because he did not agree with the policy of President Lincoln, tendered his resignation. There is nothing to show what he said to the department, because we have not asked for the record from the War Department, but he must have stated in his resignation his reason for it, that he resigned because he was opposed to the policy of President Lincoln. At that time the very life of the Nation stood in the balance. There was a political campaign on, and this man, who now claims that he wanted to help save the Union, because he did not agree with some part of the policy of President Lincoln, wanted to turn his back to the enemy instead of fronting them with his face, and resigned and gave that as a reason, and they very properly dismissed him instead of accepting his resignation. There is not an army on earth that maintains any discipline that permits a subordinate officer to resign because he does not approve the commands of his superior officers or the policy of the Government which he is in the army to support when he offers that as a reason.

Now, the report states, and very likely it is true, that the service of Capt. Timmons was in every way honorable, he having risen to the rank of captain solely by his own merit in the performance of duties intrusted to him, and he once tendered his resignation to Gen. U. S. Grant, who replied in writing:

Good officers can not be spared the service. Capt. Timmons may have 30 days' leave of absence.

It seems, notwithstanding his efforts to prove now how anxious he was to preserve the Union, that he tried to get out of the Army before. The report states that "a short time after this a controversy arose between Capt. Timmons and the colonel of his regiment, Wager Swane, concerning the merits of the political candidates for governor of Ohio, and it was upon the expression of the individual political preference of Capt. Timmons that the question was made as to his opposition to the policy of the national administration." Well, that is his side of the tale. We do not have the other side of the tale, and we do not have a statement from the War Department as to the real facts in the case. "He was dismissed from the service, to take effect September 3, 1863, and was kept under arrest for six weeks without any charges or specifications, then sent North, under guard, to Cairo, Ill., and released there by the commanding officer." I do not know where he was when he tendered this resignation because he did not agree with President Lincoln's policy, but he was somewhere south of Cairo, and was kept under arrest for six weeks and sent, under guard, to Cairo because they were afraid that he would give comfort to the enemy. The committee says further that "he never had a trial; and it is the opinion of the committee that the punishment heretofore inflicted upon him was so done without any reason, and that the only offense that Capt. Timmons was guilty of was that he expressed an individual preference for a certain political candidate against another political candidate, and therefore the committee believes that he should hereafter be held and considered to have been honorably discharged from the military service of the United States as captain of Company C, Forty-third Ohio Volunteer Infantry, on September 8, 1863." Why, that was not his offense at all, expressing an individual preference for a political candidate. The offense was that in the face of the enemy he tendered his resignation, for the reason that he did not agree with his commanding officer. If he had been tried, he would have been shot. The committee say that he never had a trial. Well, it is very lucky for him that he did not. They put him under arrest for six weeks, sent him North under guard, to be sure that he was kept out of the enemy's country. He was allowed to associate with a number of other very good people who did not believe that the Union ought to be preserved, who did not believe in Lincoln's administration.

They were at home; they had every right to their opinion and to their preference, but the man who enlisted in the Army and was an officer in the Army had no right to an opinion that his commanding officers were wrong and to express an opinion in the form of a resignation from the Army and have it accepted. He had sworn to fulfill the duties of his office, and one of them was to obey orders. He did more damage by his action than he would have done if he had deserted from the Army to begin with or if he had gone with the enemy at first. It was the



traitorous conduct of such men as he which prolonged the war for years. I can see no reason why a man who does a thing like this should escape the responsibility. It is always unfortunate when any person makes a mistake in life, but a man who makes a mistake can not always correct it. The man who slips and breaks his leg, his leg is broken; he may wish all he please that he had not slipped, but the leg has been broken. This man can not escape, except by a vote of a Democratic Congress, the result of his treasonable conduct. I do not think he ought to receive any honorable discharge and be placed upon the pension rolls and given a tribute to his conduct in showing his feeling against Lincoln's administration.

Mr. KIRKPATRICK. Mr. Chairman, will the gentleman yield?

Mr. MANN. I will.

Mr. KIRKPATRICK. Is it not a fact that this man, Capt. Timmons, championed the cause of one Clement C. Vallandigham, who had been found guilty and banished beyond the Confederate lines?

Mr. MANN. I understand that to be the fact.

Mr. KIRKPATRICK. That is true.

Mr. MANN. I reserve my time, Mr. Chairman.

Mr. HAY. Mr. Chairman, I ask unanimous consent that this bill be passed by. The gentlemen interested in it are not here, but are detained in their homes, and I think it would be fair to them to have the bill passed over; so I ask unanimous consent to have that done.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] asks unanimous consent that the bill be passed over without prejudice.

Mr. MONDELL. Mr. Chairman, reserving the right to object, I want to make just this observation. I do not think it is fair to the House on the part of any committee to present a matter to the House proposing to change an official record without giving the House the benefit of a statement of that official record. The report on this bill and a number of other bills reported and on this calendar contains statements which we must assume are accurate, because they are made by the Member reporting the bill, and yet how much stronger they would be, how much more convincing the statement would be, if supported in every detail by the official record! And where a committee refers to official records it seems to me the committee should place those records before Congress for its consideration.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia [Mr. HAY] that this bill be passed without prejudice?

There was no objection.

JOHN MITCHELL.

The next business in order on the Private Calendar is the bill (H. R. 12161) to remove the charge of desertion against John Mitchell.

The bill was read as follows:

*Be it enacted, etc.,* That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion against John Mitchell, late of U. S. gunboat *Oriole*, and issue to him an honorable discharge from the Navy of the United States.

Also the following committee amendment was read:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Navy be, and he is hereby, authorized to remove the charge of desertion against John Mitchell, who served in the U. S. S. *Great Western*, *Oriole*, and *Huntress*, and to issue to the said John Mitchell, or in case of his death to his heirs or other legal representatives, a certificate of discharge: *Provided*, That no pay or bounty for any period of time during which the said John Mitchell was absent from his command without leave of absence shall accrue or be payable by virtue of the passage of this act."

Mr. WITHERSPOON. Mr. Chairman, this bill was recommended by the Committee on Naval Affairs to the House to be passed under this state of facts: John Mitchell enlisted in the United States Army in 1861 for two years and served his time and had received an honorable discharge. In March, I believe, in 1865, he enlisted in the Navy and served until August, 1865, when he deserted. Now, under the general law the Secretary of the Navy had the authority to remove the charge of desertion from one who had deserted from the Navy, provided he had served six months in the Navy prior to the 1st of May, 1865. This young man had not served a sufficient length of time in the Navy to authorize the Secretary to remove the charge of desertion, but he had served much longer than was required in the Army, and he asks by this bill to be given the benefit of his service in the Army; and the committee took that view of it and reported the bill to the House with the recommendation that it pass. I think the gentleman from Wisconsin [Mr. REILLY] can explain the fact to the House more fully.

Mr. MANN. Mr. Chairman, this bill brings up a very interesting proposition. For years, I think, after I came here we

passed bills occasionally that removed the charge of desertion, and the rules provide for giving preference to bills to remove the charge of desertion. Some years ago when Gen. Ainsworth was at the head of the Record and Pension Office in the War Department, if that was the title, he reached the conclusion—and other gentlemen connected with the War Department—that Congress could not alter a fact. We might write history as we pleased, but we could not change facts. We might say that the Federals or the Confederates won at some battle which was not according to history, but that would not alter the fact; that the fact would remain that the one who had won did so regardless of what Congress might say. And when a man had deserted and the record showed he deserted, we could not change the fact of his desertion. The fact existed.

Mr. WITHERSPOON. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. WITHERSPOON. It is self-evident that we can not change a fact, but I observed that this House spent one entire day doing nothing else than removing the charge of desertion against men who had had that charge standing against them for half a century.

Mr. MANN. I do not remember that day.

Mr. WITHERSPOON. I remember it. It made a profound impression upon my mind. The object of it was to permit them to draw pensions. Now, while we can not change a fact we can put this man in a position where he can get a pension.

Mr. MANN. I was reciting to the House not my conclusions but the conclusions of the War Department. The War Department reached that conclusion after full consideration and deliberation, and the result of it was that the President commenced to send veto messages to Congress, and they vetoed not a great many bills but all the bills that were passed in that form. And the result of that was that the Committee on Military Affairs adopted a new form of bill, that wherever a Member of the House had introduced a bill to remove a charge of desertion the Committee on Military Affairs, for a number of terms of Congress, if it reported the bill at all, reported striking out all after the enacting clause and inserting a provision something like this—and I am reading from a bill now before the House:

That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Jacob M. Cooper, now a resident of Iowa, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company C, Twenty-second Regiment United States Infantry, July 18, 1868: *Provided*, That no pension shall accrue prior to the passage of this act.

That became the settled policy of the administration and of Congress. There were not many of these bills before the Committee on Naval Affairs. I do not recall any in recent years, I think, until I ran into this one, although I may be mistaken about that. It became the settled policy. Once in a while the Committee on Military Affairs, in reporting a bill into the House for the removal of the charge of desertion, through some one's inadvertence, has not had the amendment printed into the bill, and in every such case that has come up in recent years, when the bill was reached for consideration in the House, the Committee on Military Affairs or the gentleman in charge of the bill offered the amendment on the floor, because it was the settled policy of both the administration and Congress that these bills should not pass with the idea that Congress could change a fact and say that a man had not deserted when the facts showed that he had deserted, and that they could not alter the records, and also the settled policy of the administration to veto such bills.

Mr. BURKE of Wisconsin. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. MANN. Certainly.

Mr. BURKE of Wisconsin. Is there any way in which a charge of desertion that has been entered upon the records by mistake against a soldier or sailor can be corrected?

Mr. MANN. I beg to say that I am not going to offer any individual opinion of mine on the subject, and I have not yet offered one. I have not expressed any opinion on the subject. I do not know. But that has been the position of the administration for a number of terms, and the position of the War Department, and the position which Congress has taken in the legislation which it has enacted. Whether it is right or wrong I do not know.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes; I yield.

Mr. McKELLAR. Did not that position of the War Department grow out of the fact that in about 99 per cent of the cases



the desire was to enable the applicant to obtain a pension from the Government?

Mr. MANN. Well, I presume that very likely that is pretty close to the fact, if not the absolute fact. Whatever the reason may have been, it was a policy established after a good deal of consideration. We had a number of veto messages sent to Congress on the subject. Now comes along a bill, referred to the Committee on Naval Affairs, and the Committee on Naval Affairs is not subject to criticism in anything that I say. That bill provides:

That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion against John Mitchell, late of U. S. gunboat *Oriole*, and issue to him an honorable discharge from the Navy of the United States.

If that bill had been a bill to remove the charge of desertion in the Army, and had been referred to the Committee on Military Affairs, and that committee had desired to report it favorably, it would have stricken out all after the enacting clause and inserted a provision giving the man rights under the pension laws and other laws without affecting the charge of desertion. The Committee on Naval Affairs, in reporting the bill, has stricken out all after the enacting clause, but has inserted this provision:

That the Secretary of the Navy be, and he is hereby, authorized to remove the charge of desertion against John Mitchell, who served in the U. S. S. *Great Western*, *Oriole*, and *Huntress*, and to issue to the said John Mitchell, or in case of his death to his heirs or other legal representatives, a certificate of discharge: *Provided*, That no pay or bounty for any period of time during which the said John Mitchell was absent from his command without leave of absence shall accrue or be payable by virtue of the passage of this act.

This amendatory or substitute provision reported by the committee was reported upon the recommendation of the Secretary of the Navy, who furnished the language, and we shall soon be in this anomalous position—if this bill is passed and the President signs it—that if a bill passes through the Committee on Naval Affairs to remove a charge of desertion from the Navy, the President, on the recommendation of the Secretary of the Navy, will sign it; but if an identical bill, in identical form, to remove a charge of desertion from the Army should pass the House and the Senate and go to the President, the President, on the recommendation of the War Department, will veto it on the ground that the Congress can not do it. I think we ought to have some fixed policy on the subject, and not leave it to that haphazard. What does my friend from Mississippi [Mr. WITHERSPOON] think of it? Or has he paid any attention to this matter at all?

Mr. WITHERSPOON. So far as I am concerned, I am personally opposed to all pensions, and opposed consequently to all bills whose object it is to secure pensions. But the House has to my certain knowledge done this very same thing a number of times. As I said before, I saw the House spend one entire day doing nothing else than removing the charge of desertion from the records of soldiers, all for the purpose of putting them on the pension roll.

Now, in this man's case he had this additional claim, that if his service had been altogether in the Navy, instead of partly in the Navy and partly in the Army, the Secretary of the Navy could have removed the charge of desertion without appealing to Congress.

Mr. MANN. Well, I do not like to put my recollection up against the recollection of the gentleman from Mississippi; but I watch the proceedings of the House very closely, and I undertake to say that we have not passed a bill to remove the charge of desertion while the gentleman from Mississippi has been a Member of the House.

Mr. WITHERSPOON. That seems to raise a conflict between the gentleman and myself.

Mr. MANN. Well, it is a conflict that I think will not exist when I have gone a little further. The gentleman has in mind bills which come under the provision of the rule to remove charges of desertion, but these bills are to grant the right of pensions and other rights which honorably discharged soldiers have, without removing the charge of desertion.

I will ask the gentleman from Tennessee [Mr. McKELLAR], who is, I believe, the chairman of the subcommittee of the Military Affairs Committee that has charge of these matters, and who handles most of these bills from that committee, whether he knows of any bills to remove the charge of desertion which we passed coming from the Military Committee?

Mr. McKELLAR. No. Our committee has adopted the plan since I have been chairman of the subcommittee—and, as a matter of fact, I do not think any were reported before I became chairman of the subcommittee—but we adopted this year the plan of striking out everything after the enacting clause, regardless of how the bills are drawn, unless they are drawn according to our formula, and simply putting the applicant on

a pensionable status, with the provision that no back pay, bounty, or back allowance of any kind shall be allowed.

Mr. MANN. I understand also—and the gentleman will probably know—that the Senate follows the same practice, in the main at least.

Mr. McKELLAR. No. The Senate undertakes to follow that with amendments to nearly all of their bills that leave out the proviso about back pay, and frequently they run the gantlet here.

Mr. MANN. They do not pass bills to remove the charge of desertion any more?

Mr. McKELLAR. I think not.

Mr. REILLY of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. REILLY of Wisconsin. Perhaps I can throw some light on how the change in the ruling of the Navy Department to which the gentleman from Illinois [Mr. MANN] has referred came about.

In 1911 a similar bill was introduced in this House for the relief of John Mitchell, and was referred to the Committee on Naval Affairs. The Committee on Naval Affairs referred the bill to the Secretary of the Navy for a ruling, and the Navy Department, through the Assistant Secretary, gave an opinion to the effect that the records of the Navy Department could not and should not be changed; that a compliance with the bill would require an altering of the historical records of the department, which should be kept inviolate; and the said Assistant Secretary of the Navy suggested the enactment of such a bill as has been outlined by the gentleman from Illinois [Mr. MANN].

When this bill was introduced in this Congress it contained the words "honorable discharge." The bill took the usual course from the Committee on Naval Affairs to the Navy Department for an opinion. It was suggested to the authorities in the Navy Department that while a former Assistant Secretary of the Navy had ruled that a bill in the language and form in which this bill was when it was introduced should not be passed, because the records of the Navy Department should not be altered and should be kept inviolate, that a great many of the records of the Navy Department had been changed in the removal of the charges of desertion from the records of the Navy Department pursuant to a law passed by Congress in 1888.

The Secretary of the Navy replied to the Naval Committee on the matter of this bill that the relief sought should be granted; but he suggested a phraseology for the bill, which language as recommended by the Secretary of the Navy the committee adopted.

The only practical difference between the bill as introduced and the bill as recommended by the Secretary of the Navy and reported from the committee to this House is that the word "honorable" is omitted, the Secretary of the Navy being simply required to furnish a discharge and not an honorable discharge to John Mitchell.

In 1880 Congress passed an act empowering the Secretary of the Navy, in his discretion, to remove the charge of desertion from the records of certain enlisted and appointed men who deserted from the Navy, providing such men deserted after May 1, 1865, and had served faithfully six months prior to May 1, 1865.

The facts of this case are, briefly, as follows:

Mitchell enlisted in the Army May 14, 1861, for two years' service and was mustered out of service and honorably discharged from the Army May 24, 1863. On March 15, 1865, he enlisted in the Navy as a landsman for two years and served until August 26, 1865, when he went home without having been formally discharged.

Had Mitchell served in the Navy six months prior to May 1, 1865, he would have come within the terms of the law of 1888, and would have been entitled to have his war record cleared up by an act of the Secretary of the Navy without any act on the part of Congress.

The Secretary of the Navy has ruled that Mitchell having had a record of honorable service for two years in the Army prior to May 1 and having deserted after the war was over, his case comes within the spirit of the law of 1888, and that Mitchell was entitled to the same relief by a special act of Congress that other enlisted men of the Navy who deserted after May 1, 1865, after having served six months, received under the general act of 1888.

The soldiers and sailors who deserted after May 1, 1865, and who have had the charge of desertion removed from their records in the Navy Department by the Secretary of the Navy received a discharge, and not an honorable discharge.



It is submitted that John Mitchell, on his record as a soldier in the Army, and in view of the fact that he went home after the war was over, and in view of the further facts, as shown by the evidence filed with this committee, that he had a brother who had recently died in the war, and that his father had recently died, and that he went home at the urgent solicitation of his widowed mother, is entitled to some consideration at the hands of Congress.

He was in no sense a deserter, as the term is ordinarily used. He did not turn his back on the enemy; he did not leave his colors when the war was raging; he simply went home when he thought that the work for which he had enlisted was accomplished, when his country was safe, and when a widowed mother's call came to him.

John Mitchell did not know he was deserting the Navy; he did not know it was necessary for him to go through certain formalities in order to be discharged from the service of the Government; and if he had known of the necessity of such steps, he could easily have secured a discharge and could have gone home with an honorable discharge from the Government.

The contention of the gentleman from Illinois [Mr. MANN], that the records of the War and Navy Departments can not and should not be altered or changed is absurd in view of the fact that for years the records of these departments have been changed as regards the records of soldiers in the service of our late wars.

In 1913 Congress passed a bill correcting the war record of one Bartley L. Dennison and construing his discharge to be an honorable discharge as of a certain date. There is no difference between the correcting of a war record and the removing of a war record. When you correct a war record you change the record just as much as when you remove a war record.

I do not know what the President will do with this bill, but I do know that the bill has the sanction of the Secretary of the Navy and that he apparently sees no insuperable objection to the removal of the charge of desertion against John Mitchell.

This man is not asking for a pension in this bill. He believes that his record as a volunteer soldier in the war, his enlistment in the Navy, and the circumstances under which he left the service of the United States Government entitle him to have the charge of desertion removed from his record in the Navy. The matter of a pension he is willing to take up afterwards with the proper authorities.

John Mitchell is asking to have the charge of desertion removed from his record not because he is asking for a pension, but because he feels and believes he was not a deserter when he went home after the war was over, and because he did not know at the time that he was doing something that he had no right to do. He supposed the war was over and that the Government no longer had use for his services, knowing full well that a widowed mother at home had great demand for his services.

Mr. MANN. I should like to ask the gentleman from Wisconsin [Mr. REILLY] a question.

Mr. REILLY of Wisconsin. I yield to the gentleman from Illinois.

Mr. MANN. Does this man expect to get a pension?

Mr. REILLY of Wisconsin. That question has never been raised.

Mr. MANN. Does the gentleman from Wisconsin think that he could get a pension after this bill passed?

Mr. REILLY of Wisconsin. I have been informed that the soldiers and sailors of the war who got relief under the act of 1888 or had charges of desertion removed by virtue of that act are drawing pensions from the Government. These men received from the Government the same kind of a discharge that this bill contemplates that John Mitchell shall receive.

Mr. MANN. My recollection about the law is that a man must have an honorable discharge in order to get a pension.

Mr. REILLY of Wisconsin. That is what the general conception is.

Mr. MANN. That is what the law is, whatever the general conception is.

Mr. REILLY of Wisconsin. As stated before, I have been informed by the Pension Department that the soldiers and sailors who had the charge of desertion removed under the law of 1888, and who received the same kind of certificate of discharge that this bill provides that John Mitchell shall receive, are drawing pensions from the United States Government; but, as stated before, the question of a pension is not the paramount idea in the mind of John Mitchell. John Mitchell is interested in having his war record cleared up, in having this charge of

desertion now on the records of the Navy Department against him removed, because he believes the circumstances of his case are such as to warrant such action on the part of Congress.

Mr. MANN. Mr. Chairman, I do not know but I agree largely in theory with the gentleman from Wisconsin. But what is the use? Here the President vetoes these bills coming from the War Department; and while it is true that the President and the Secretary of War may reverse the ruling, it is also true that in matters of that sort both of them are likely to be guided in the main by the men in the War Department who are permanent, and who fix the policy, or ought to fix it, in the main in matters of that kind. It would certainly be an anomaly to veto a bill relating to the Army and sign a bill relating to the Navy, both alike, vetoing one because it is not in proper form, and signing the other because it is in proper form, when both are in the same form.

Mr. LOBECK. In a report which I have in my hand I find under "Findings of fact"—

III. By Special Orders, No. 121, War Department, A. G. O., dated Washington, March 17, 1866, claimant was, by direction of the President, dropped from the rolls of the Army, to date October 6, 1865, for desertion. An extract from Special Orders, No. 394, War Department, A. G. O., dated July 30, 1866, is as follows: "By direction of the President, upon recommendation of his commanding general, so much of Special Orders, No. 121, paragraph 8, March 17, 1866, from this office, as dropped from the rolls the name of Capt. Guy C. Pierce, Fourth Wisconsin Cavalry, is hereby revoked and he is honorably discharged the service of the United States upon tender of resignation, to date October 6, 1865."

Mr. MANN. What is the gentleman reading from?

Mr. LOBECK. I am reading from the report in the case of Guy C. Pierce.

Mr. MANN. Oh, some other case.

Mr. LOBECK. I want to show that the War Department and the President have reversed their order.

Mr. MANN. But you can not show that, because they have not.

Mr. LOBECK. It says:

By direction of the President, upon recommendation of his commanding general, so much of Special Orders, No. 121, paragraph 8, March 17, 1866, from this office, as dropped from the rolls the name of Capt. Guy C. Pierce, Fourth Wisconsin Cavalry, is hereby revoked, and he is honorably discharged from the service of the United States upon tender of his resignation, to date October 6, 1865.

Mr. MANN. Why, certainly, Congress has passed a general law, as it has the right to pass a law, saying that certain things were not desertion. For instance, after a certain date in 1865, if a man who was in the Army went home and was marked as a deserter, Congress said it was not desertion, and hence the War Department removed the charge of desertion in such cases; but that is an entirely different thing from changing a fact.

Mr. REILLY of Wisconsin. Will the gentleman explain why the Secretary of the Navy, under that theory, said they could not remove the charge of desertion or could not change the records when that has been done in hundreds of cases under the law?

Mr. MANN. The gentleman is mistaken about the law. We have the right to change the articles of war. It has always seemed to me as though Congress had pretty full power under the Constitution, and might say a good many things about the Army and the Navy.

I am calling attention to the distinction which is being made between the Army and the Navy. The gentleman from Virginia [Mr. HAY], if the matter is referred to his Committee on Military Affairs, will not report one of these bills in this shape, because it has been the policy of the War Department that they should not be signed by the President. Are we to make a distinction between that committee and the Naval Committee?

As to the facts in the case, this report is made upon the strength of a report from the Navy Department, and it is claimed that the man served in the Army a certain length of time, and that if that service in the Army had been in the Navy they would have been authorized to grant him a discharge under the general law. The Secretary of the Navy says that if the Mitchell is identical with the one who served in the Navy, as above set forth, he would be entitled to a discharge, and again he says:

Assuming that the Mitchell who served in the Army is identical with the one who served in the Navy, the department, in view of the above, recommends to the favorable consideration of the committee the draft of the bill herewith submitted in lieu of that now in the hands of the committee.

They have no information that I know of, and we have no information, as far as I am informed, that the "if" has been wiped out or that the "assuming" has been wiped out. Of course if the moon were made of green cheese and we would get at it we might do away with the high price of food.



Mr. REILLY of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. REILLY of Wisconsin. These affidavits have been filed with the committee, showing that this man is the same person, and I called the attention of the Navy Department to that very language, and they said they invariably used that language, no matter whether the facts were true or not.

Mr. MANN. I do not care what they said; that statement is not correct as to what the department does.

Mr. REILLY of Wisconsin. That is what they told me.

Mr. MANN. Then the gentleman saw the wrong man. The gentleman can not find another report from the Navy Department in the House in recent years where they used any such language as that.

I reserve the balance of my time.

Mr. MONDELL. Mr. Chairman, I am somewhat familiar with the circumstances under which Congress first began to modify the language of the acts which were intended to relieve to a greater or less extent those who were suffering under charges of desertion. In my early service in the House I had the honor of being placed upon the Committee on Military Affairs, and I was assigned to the very honorable and exceedingly arduous duty of a subcommittee on desertion cases. I think I may truthfully say that I gave more time to the study of the cases before the committee than any man who had served on that committee prior to my service, and I think that my record of inquiry in these matters has not been equaled since unless it has been by the gentleman from Tennessee [Mr. McKELLAR], who has reported so many of these bills which are now upon the calendar, and who has given these cases much attention, and who, I am sure, has gone into them carefully. About the time of the beginning of my service upon that committee Congress awoke to the fact that it had been rather too liberal in correcting military records, and there was a feeling in the House and all over the country that Congress ought to be very careful about taking any action that would place a man who deliberately deserted the colors, particularly in time of war, on a par with a man who had been faithful in his service, and so the committee began to scrutinize these cases more carefully than it had been accustomed to do. There were some fifteen hundred cases at that time, if I recollect right, before the committee, and I think I gave more or less personal study to some 500 of them, careful consideration to more than half that number. I discovered some very curious and some very extraordinary things in connection with some of those applications. About that time Gen. Ainsworth, then at the head of the Record and Pension Division of the War Department, having charge of military records, suggested that instead of changing the record we should in meritorious cases remove the disability under which the charge of desertion placed the soldier, and particularly when the fact was that the man had deserted. In such a case to remove the charge of desertion and to write on the record the statement that he had not deserted would be to write in the record an untruth.

Mr. Chairman, it is too bad that men deserted in the face of the enemy. It is unfortunate that men under different circumstances left the colors and went home, where it was much more comfortable in every way than at the front—it is to be regretted.

Many of those men as they grew older very much regretted their action, and they are good citizens, some of them; and the better citizens they are, the more they regret their conduct. We all live to regret some things we do. We may live them down, we may be forgiven for them, but we can not wipe them out. There ought never to come a time when the record that tells the story of a soldier's service shall tell anything but the facts and the truth. Under certain circumstances and conditions offenses may properly be condoned. Under certain circumstances and conditions the soldier should not suffer the lack of a pension; he should not suffer without some relief the odium which attaches when a soldier has placed against him in an official record a charge of having deserted his flag and service.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In a moment. But if the fact is that he did, through weakness or thoughtlessness or forgetfulness or homesickness, desert, if the fact is that he did not stick, then he is not entitled to the same amount of credit that the man is who, under those same circumstances and conditions and under possibly infinitely more trying conditions, did stay with the colors and did remain loyal. I now yield to the gentleman from Indiana.

Mr. CLINE. I think the gentleman is correct, but I do not understand the gentleman to assume that there may not have

been conditions and circumstances where the record is wrong and ought to be corrected. Is it not possible, for instance, that a soldier might have been detailed to some duty by a superior officer, and the man making up the record makes up a wrong record and states that he is a deserter?

Mr. MONDELL. The question was asked the gentleman from Illinois [Mr. MANN] as to what his opinion is as to the practice of the War Department in correcting a record.

Mr. CLINE. I was wanting to get the gentleman's opinion more than that of anyone else.

Mr. MONDELL. I am prefacing what I am about to say by that observation. The gentleman from Illinois, as I recall, did not express an opinion. My understanding is that one provision of the act of 1888, which I have not the time to read now, does authorize the department in certain cases to correct errors.

It further authorizes the department, where certain acts have been considered acts of desertion, to no longer consider them such and to change the record to that extent. My understanding is that the department holds that it has the right, where the record is clearly in error, possibly a clerical error in transcribing from one record to another, to make those changes, but the cases that we have to consider are not that sort of cases. This man did desert; nobody denies it. Now, I do not altogether agree with the view of the Secretary of the Navy in his letter as to what might be done for this man had conditions been different, and yet I will not say the Secretary is not right; it may be I am wrong, but my opinion is that the charge of desertion could not have been removed from this man had all of his service been in the Navy, because my interpretation of the act referred to is that the service from which the charge of desertion is removed has no relation to some service the man might have rendered at some other time somewhere else, and, therefore, if this man had served in the Army or in the Navy altogether, instead of part of the time in one and part of the time in another, the charge of desertion could not have been removed from his record under the law.

Mr. REILLY of Wisconsin. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. REILLY of Wisconsin. Suppose he had enlisted six months prior to May, 1865, would he not have the right to try to get the Secretary of the Navy to remove the charge?

Mr. MONDELL. It would depend upon conditions; it would depend upon certain conditions.

Mr. REILLY of Wisconsin. Provided the other conditions come in there.

Mr. MONDELL. We have conditions applying to a soldier enlisting in a volunteer organization that do not apply to the Regular Establishment. There are men who served during the Rebellion more than six months who deserted and the charge of desertion is not removed by the act referred to.

Mr. REILLY of Wisconsin. They had to serve up to May 1.

Mr. MANN. Will the gentleman from Wyoming yield?

Mr. MONDELL. In just a moment. If a man had enlisted in a volunteer regiment as a volunteer, with the understanding that he would serve during the war, and after the war was over and there was no longer anyone to fight—there was nothing to do but remain in camp—he concluded his services were no longer needed and went home, Congress has said that should not be considered a desertion, provided he had served six months; but that does not apply to a man in the Regular Establishment—does not apply to a man who enlisted with the idea of serving without regard to service in the War of the Rebellion. Now I yield to the gentleman from Illinois.

Mr. MANN. I would like to call the attention of the gentleman from Wyoming to the fifth paragraph of the Secretary's letter. I do not recall the exact provisions of the act of 1888, but the paragraph of the Secretary says that the man—

Shall have served faithfully until May 1, 1865, having previously served six months or more, or shall have been prevented from completing his term of enlistment by reason of wounds received or disease contracted in the line of duty.

Mr. MONDELL. Well, I think—

Mr. MANN. I see that is in the alternative, "or shall have." The gentleman from Wyoming calls my attention to an error I made.

Mr. MONDELL. The gentleman from Illinois further called attention to the fact that, as far as the Navy Department has information, it does not even know whether this John Mitchell is the same John Mitchell who served in the Army in the early part of the war. I understand that matter has been cleared up by affidavits. Now, John Mitchell served, and it is to be hoped he served well. It is said that several years later the same John Mitchell enlisted in the Navy, the inland Navy, the landlocked Navy—rather a safe Navy—the latter part of the war, being stationed on the placid waters of the inland lakes



and rivers. He served, how long—a month, or was it quite a month?

Mr. TOWNER. He served until August 26, 1865.

Mr. MONDELL. He served less than six months, and finally concluded that he would go home. Now he wants us to write into law a statement that he did not go home, that he remained on duty. Should we declare that this valiant landlocked sailor still continued to tread the gunboat deck in defiance of the enemy when, as a matter of fact, he was at home taking care of the cows and chickens, safe and comfortable? I do not think we should do it; not but what I have a kindly feeling for such a man—no doubt he is a good man—but John did go home, and we have no business to say that he did not go home. Now, if Mr. Mitchell is suffering by reason of the fact that he is barred from a soldiers' home because he can not secure a pension, which he can not, it is possible we should relieve him from that particular disability, leaving his record as he made it. We had nothing to do with it then; we have not anything to do with it now. If he had had a little more stamina, a little more enthusiasm, a little more patriotism, he would have served out his time and he would have had an honorable discharge, as many men did who served out their time, on both sides. Now, it has been a long time since Congress ceased passing this kind of bills. I do not recall having seen one in this form for years. We ought not return to that very bad practice, though we may remove a disability which prevents him from drawing a pension or from receiving the benefits of a soldiers' home. With an amendment to the bill, putting it in the usual form, I should not specially object to it, assuming that the two military records have been completely connected and that the desertion was at a time when the man's services were no longer needed by his country.

Mr. NORTON. Mr. Chairman, at first I was not very familiar with this case, and so I listened with a great deal of interest to the argument of the gentleman from Wyoming [Mr. MONDELL]. On general principles I am not personally in favor of removing this stigma of dishonorable discharge from any soldier or any enlisted man in the Navy who deserts without good cause. But after listening to the gentleman from Wyoming I have come to the conclusion from his citations of the law covering other cases that this man Mitchell has a pretty good case and that he has reasonably good ground for having this dishonorable charge removed.

Mr. MONDELL. How a good case, may I ask my friend?

Mr. NORTON. I will be very pleased to tell the gentleman from Wyoming. It appears that if he had served in the Navy for 6 months prior to May 1, 1865, he would come under certain provisions of law that would permit the Secretary of the Navy to remove that charge. Now, it appears that instead of serving in the Navy 6 months prior to May 1, 1865, he, as a matter of fact, served 5 months and 11 days, from the date of his enlistment on March 15 until August 25, 1865, the date of his alleged desertion. Now, the gentleman from Wyoming [Mr. MONDELL] says that this man enlisted in the landlocked Navy of our Great Lakes, and enlisted, as he intimates, at a time and at a place where Mitchell felt safe and secure from the strife and dangers of war, and suggested that he was not the ordinary brave American citizen who is found enlisted in our Navy, but that his enlistment was to secure some temporary employment.

Mr. MONDELL. The gentleman knows that I did not say anything of that sort.

Mr. NORTON. Well, I listened carefully to the gentleman's statements, and I gained from what the gentleman did say that impression of his argument. I further call the gentleman's attention to the fact that some of the most glorious and historic battles that have been fought by the American Navy and our American sailors have been fought on the Great Lakes and by our landlocked Navy. This man Mitchell enlisted when the Civil War was being most bitterly contested between the North and South and—

Mr. MONDELL. At Mound City, Ill.?

Mr. NORTON. Yes; at Mound City, Ill. Can the gentleman inform me where the ships on which this man served were plying?

Mr. MONDELL. Probably on the turbid waters of the Missouri.

Mr. NORTON. Possibly that may have been true.

Mr. MONDELL. Or possibly on the rolling surges of the Mississippi.

Mr. NORTON. It appears that the gentleman does not know where the service of this man was given to his country. I want to say that no facts appear in the report on this bill or elsewhere to indicate that John Mitchell was not just as brave, just as patriotic, and just as worthy an American citizen as any man who enlisted in the Navy of the United States in the trying

days of March, 1865, when the ranks of our Army and Navy were most in need of heroes and brave defenders. It seems when the war drums ceased beating and when the chance of fighting was over, Mitchell became dissatisfied with life in the Navy and took his departure from the Navy without receiving a formal discharge or release. In view of the fact that he served in the American Army during the first two years of the Civil War, it seems unfair and unjust that an honorable discharge should be withheld from him at this time, under all the circumstances of this case.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The motion was agreed to.

Mr. HAY. Mr. Chairman, I move that the committee do now rise and report the bill with a favorable recommendation.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. CARLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12161) to remove a charge of desertion against John Mitchell, and had directed him to report the same to the House with a committee amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. HAY. Division, Mr. Speaker.

The House divided; and there were—ayes 32, yeas 3.

So the bill was passed.

#### ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 3 minutes p. m.) the House adjourned until Saturday, August 15, 1914, at 12 o'clock noon.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LINTHICUM, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 292) authorizing the President to accept an invitation to participate in an exposition to be held in the city of Panama, and for other purposes, reported the same without amendment, accompanied by a report (No. 1088), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10979) granting a pension to Mary Pierce; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18188) granting an increase of pension of Joseph L. Hall; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMALL: A bill (H. R. 18368) to authorize the construction of a lighthouse and fog signal upon Diamond Shoal, at Cape Hatteras, on the coast of North Carolina; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS: A bill (H. R. 18369) authorizing the Treasury Department to make certain advances for the relief of the tobacco growers of Kentucky and Tennessee; to the Committee on Appropriations.

By Mr. WINGO: A bill (H. R. 18370) providing for the issuance of Federal reserve notes to producers of cotton, and for other purposes; to the Committee on Banking and Currency.



By Mr. O'HAIR: A bill (H. R. 18371) compensating the privates of the Capitol police force for extra services; to the Committee on Appropriations.

By Mr. KAHN: A bill (H. R. 18372) for erecting a suitable monument to Commodore Uriah P. Levy in the city of Washington, D. C.; to the Committee on the Library.

By Mr. ALEXANDER: A bill (H. R. 18373) to authorize the United States Government to establish and operate a steamship service between ports of the United States and ports of the various countries of South America, and such other ports as may from time to time appear desirable, and to establish a service of value to the national defense in time of war; to the Committee on the Merchant Marine and Fisheries.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 18374) granting an increase of pension to J. A. Neff; to the Committee on Invalid Pensions.

By Mr. BARKLEY: A bill (H. R. 18375) for the relief of the estate of James E. Morgan, deceased; to the Committee on War Claims.

By Mr. FITZHENRY: A bill (H. R. 18376) to correct the military record of John B. Ford; to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 18377) granting an increase of pension to Clara Robinson; to the Committee on Pensions.

By Mr. STONE: A bill (H. R. 18378) granting an increase of pension to Henry Hotchkiss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18379) granting an increase of pension to Sarah McDaniel; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Socialist Party of Ohio, protesting against the war in Europe; to the Committee on Military Affairs.

Also (by request), petition of certain members of the St. John's Lutheran Church of Ambler, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. ALEXANDER: Memorial of the Grant City (Mo.) Chautauqua, favoring an amendment abolishing polygamy in the United States; to the Committee on the Judiciary.

By Mr. BOOHER: Petition of A. D. Gresham and 72 other citizens of Platte City, Mo., favoring the passage of House joint resolution 282; to the Committee on Naval Affairs.

By Mr. CONNELLY of Kansas: Petitions of 50 citizens of Beloit, 29 citizens of Osborne, and 43 citizens of Mankato, all in the State of Kansas, favoring national prohibition; to the Committee on Rules.

By Mr. DILLON: Petition of 34 citizens of Milltown, S. Dak., favoring national prohibition; to the Committee on Rules.

Also, memorial of the Sioux Valley Medical Association, protesting against the Nelson amendment to House bill 6282, the Harrison antinarcotic bill; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: Petition of sundry citizens of Port Angeles, Wash., protesting against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of Edna B. Hale, Mrs. Joseph H. Kendrick, W. B. Shepard, Agnes MacKinnen, all of Providence, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. LOBECK: Petition of the Richardson Drug Co., of Omaha, Nebr., protesting against increasing revenue tax on cigars; to the Committee on Ways and Means.

Also, petitions of H. A. G. Dreibus and A. Lagrotto, both of Omaha, Nebr., protesting against national prohibition; to the Committee on Rules.

By Mr. O'HAIR: Petition of sundry citizens of the State of Illinois, favoring House joint resolution 282, for the purpose of giving a hearing to Dr. Frederick A. Cook; to the Committee on Naval Affairs.

By Mr. YOUNG of North Dakota: Resolutions of the Dakota Conference of the Evangelical Association; 400 citizens of Lisbon; 300 delegates of the Epworth League of Jamestown; the Christian Endeavor Society of Bismarck; the Fargo College, of Fargo; petitions of sundry citizens of Westhope; 12 citizens of Juanita; various citizens of Kintyre, Braddock, Linton, and Bathgate; and the Christian Endeavor Society of Heaton, all in

the State of North Dakota, all favoring national prohibition; to the Committee on Rules.

Also, petition of A. G. Leonard, of North Dakota, regarding means of distribution of topographic and hydrographic surveys; to the Committee on Expenditures in the Interior Department.

Also, petition of the Fargo Chautauqua Association, relative to abolishing polygamy; to the Committee on the Judiciary.

#### SENATE.

SATURDAY, August 15, 1914.

(Legislative day of Tuesday, August 11, 1914.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

#### THE CALENDAR.

The VICE PRESIDENT. The calendar under Rule VIII will be proceeded with.

The bill (S. 1240) to establish the legislative reference bureau of the Library of Congress was announced as first in order on the calendar.

Mr. GALLINGER. Let that go over.

Mr. SMOOT. I ask that it may go to the calendar under Rule IX.

Mr. GALLINGER. The Senator presenting it is not present. I think it had better be passed over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The joint resolution will go over. The bill (S. 2242) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The bill will go over.

The resolution (S. Res. 156) limiting expenditures for telegrams sent or received by Senators was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The resolution will go over.

The resolution (S. Res. 84) providing that any Senator, upon his own request, may be recorded and counted as present in order to constitute a quorum was announced as next in order.

Mr. McCUMBER. Let that go over.

The VICE PRESIDENT. The resolution will go over.

The resolution (S. Res. 218) proposing an amendment to the standing rules of the Senate was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. It will go over.

The joint resolution (S. J. Res. 26) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The joint resolution will go over.

#### PUBLICATION OF LAND-OFFICE NOTICES.

The bill (S. 3023) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices was considered as in Committee of the Whole.

Mr. BURTON. I have an amendment to offer to the bill.

The VICE PRESIDENT. There are amendments from the Committee on Public Lands to be acted on first. The amendments will be stated.

The amendments were, on page 1, line 8, to strike out "some certain stated day" and insert "Saturday," and in line 10, to strike out "such day" and insert "each Saturday," so as to make the bill read:

*Be it enacted, etc.,* That whenever the law requires the register of a United States land office to publish a notice for a certain period of time in a newspaper to be designated by him, such publication may be made by publication each week, successively, in a weekly newspaper of general circulation for the prescribed period of time, or by publication once a week on Saturday of each successive week in the daily issue for each Saturday of a daily newspaper of general circulation until such prescribed period of time shall have elapsed from the first day of publication in such daily newspaper.

The amendments were agreed to.

Mr. BURTON. I offer the amendment I am sending to the desk.

The VICE PRESIDENT. The amendment will be stated.